

Fort Worth Division

Defendant.

4:21-cr-00005-O

GOVERNMENT STATUS REPORT

The purpose of the conferral was to tell the Families the status of the parties’ discussions about a potential pretrial resolution, and to provide the Families and their counsel the opportunity to provide their views on whether the Government should pursue the pretrial resolution or proceed to trial. The Government explained that the parties have discussed a possible framework for a non-prosecution agreement—but have not exchanged a draft written agreement—that would impose

¹ The Government invited Boeing's airline entity customers that purchased the 737 MAX airplane ("Airline Entity Customers") to the conferral. None chose to join.

obligations on both parties. The Government explained the material obligations the possible framework would place on Boeing—including the statutory maximum fine, required expenditures on compliance improvements, retention of an independent compliance consultant, and the creation of another fund for additional compensation to the Families. The Government also explained that under that framework it would be required to file a consent motion to dismiss the pending Criminal Information without prejudice, pursuant to Federal Rule of Criminal Procedure 48(a).

The Government made clear during the conferral that it has not decided whether to enter into the agreement or to proceed to trial, and would not make the decision until after finishing conferring with the Families. The consistent position expressed by those Family members and counsel who spoke was that the Government should proceed to trial and that they would oppose a motion to dismiss. The Government will continue to consider all of the views expressed during the conferral before it decides how to proceed.

During the conferral, the Families also expressed a desire to provide written submissions to the Government. In light of the upcoming pretrial deadlines, including the May 27th deadline for motions *in limine*, the Government has agreed to receive such written submissions by Thursday, May 22nd. The Government will inform the Court promptly of its decision on how to proceed after considering any submissions it receives.

Respectfully submitted,

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